

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

254
(1888)



FROM: Executive Office

SUBMITTAL DATE:
July 14, 2016

SUBJECT: Response to the 2015-2016 Grand Jury Report: Riverside County Registrar of Voters

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve with or without modification, the attached response of the Registrar of Voters to the 2015-2016 Grand Jury report. Direct the Clerk of the Board to immediately forward the Board's finalized responses to the Grand Jury, to the Presiding Judge and to the County Clerk-Recorder (for mandatory filing with the State).

BACKGROUND:

Summary

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to the matters under the control of the Board and that a response be provided to the Presiding Judge of the Superior Court within 90 days.

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	
SOURCE OF FUNDS: N/A				Budget Adjustment:	
				For Fiscal Year: 15-16	

C.E.O. RECOMMENDATION:

APPROVE

BY: 
George A. Johnson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District:

Agenda Number:

3-8

**RESPONSE TO
2015-2016 GRAND JURY REPORT
Riverside County Registrar of Voters Department**

Following is the response of the Riverside County Registrar of Voters Department to the above referenced Grand Jury Report.

BACKGROUND:

The Riverside County Registrar of Voters (ROV) is located at 2724 Gateway Drive, Riverside, California. The Riverside County Grand Jury (Grand Jury) was invited by the ROV to observe polling places and their operations, the handling and accuracy of ballots cast, and the security of the handling, processing, and counting of ballots at each election. Grand Jurors visiting polling places in Riverside County for the election held on November 3, 2015, herein referred to as the Grand Jury Elections Observation Team (Team). The Grand Jury reviewed the election process pursuant to California Penal Code §§925 and 933.

BACKGROUND RESPONSE:

The Riverside County Registrar of Voters is required to assemble an Election Observer Panel for every election. The Grand Jury is invited to participate in the Election Observer Panel for each election.

FINDING No. 1:

Polling Place Location and Other Discrepancies

1. Three out of seven polling places had inaccurate addresses for the physical location of the polling place. The voting materials mailed to voters were not in agreement with the Polling Place Request Agreement (contract). The following locations had discrepancies as noted:

- a. Perris City Hall, 101 N. D Street, Perris

The actual polling location was located at 91 N. Perris Blvd. at the City Council Chamber building, one block south of City Hall, not at the listed location of 101 N. D Street.

- b. Hunt Club Apartments, 1355 S. Perris Blvd., Perris

The entrance to the polling place was located on Goetz Road, not Perris Blvd., as indicated on the mailed voter materials. There was inadequate signage and parking.

- c. Lake Perris Fairground, 18700 Lake Perris Drive, Perris

The address Lake Perris Fairgrounds, 18700 Lake Perris Drive, Perris, California 92571 did not adequately describe the address on the sample ballots sent to voters and did not specify the building name.

Lake Perris Fairgrounds covers approximately 11 acres occupied with several buildings. There is no address at the entrance to the grounds nor on any building. In previous elections, voters had voted at the Lake Perris Fairground's Harrison Hall building; however, it was closed and no notice was posted as to where to vote. The Fairgrounds failed to turn on tower lights at dusk and multiple interviewees reported the lighting was not provided. A single small porch light was on behind the building, providing the only outside lighting. The lack of adequate lighting created an unsafe environment for both voters and poll workers.

RESPONSE: Respondent partially disagrees with the finding.

The polling place address on the voting materials for the Perris City Hall polling place matched the address provided by the city on the Polling Place Availability Request Agreement. The polling place information that was provided to the voters was Perris City Hall, City Council Chambers, 101 N D St, Perris, CA 92570. The City of Perris has confirmed that this is the address for the entire city campus and this is the address used on City Council agendas.

The physical address for the Hunt Club Apartments is 1355 S Perris Blvd, Perris, CA 92570. This address was confirmed by the property manager on the Polling Place Availability Request Agreement. In the future the street entrance instructions and specific room of the property will be included in the polling place information provided.

The polling place address on the voting materials for the Lake Perris Fairgrounds polling place matched the address provided by the property manager on the Polling Place Availability Request Agreement. The polling place information that was provided to the voters was Lake Perris Fairgrounds, Board Room, 18700 Lake Perris Dr., Perris, CA 92571. In the future more signage will be added to direct voters to the proper building.

RECOMMENDATION No. 1:

1. The accurate and physical location address information, including the building number as listed on the Availability Request Agreement, be relayed to the voters.

The ROV must comply with the California Election Code §12281 (a) and (b), which states:

(a) If, for any valid reason, the polling place designated for any precinct cannot be used and this fact is known in sufficient time to allow a mailed notice to be received before the election, the elections official may designate

another polling place and must mail to each voter in the precinct a notice showing this change.

(b) If the information is not known in sufficient time for a mailing pursuant to subdivision (a), either the elections official or, in the case of an emergency the precinct board on the day of election, must designate another polling place as near the place first designated as possible, post notice on or near the place first designated, and conduct the election at the new location.

The ROV survey or assessment teams will first verify addresses of each polling location. The survey team is to coordinate and meet with representative(s) of polling locations to confirm all aspects of how the site will be utilized. Polling locations are not to be used unless adequate lighting, signage, and accessibility can be provided.

RESPONSE: Respondent partially agrees with the recommendation.

The accurate physical location address is provided for all polling places. More attention will be given to including specific building names or numbers.

California Elections Code §12281 does not apply to the above polling places because proper notice was given to all registered voters.

Polling place accessibility surveys are conducted at least once every 4 years. Upon completion of the polling place accessibility surveys, the surveys remain valid for approximately four years and are used as needed. The polling places for each election are selected approximately 40 days before Election Day. The Polling Place Availability Request Agreement is used to verify the address and confirm all aspects of how the site will be utilized. In the future more attention will be given to lighting and signage.

FINDING No. 2:

Training

Polling Places are managed by precinct inspectors (captains) who are assisted by election officers (poll workers) who are all volunteers. At multiple polling locations; the poll workers were inexperienced. Poll workers receive training utilizing classroom instruction, instructional CDs, and the Election officer Handbook. Training was inconsistent among poll workers. The voting equipment was already in place, which does not allow poll workers the opportunity to arrange the equipment as required by the State of California Election Code. Another area that lacked training was the requirement for captains to correctly and accurately document issues on the Election Officer's Comment Sheet. The training program does not emphasize the requirements of completing the comment sheets and the importance of the information they provide.

RESPONSE: Respondent partially disagrees with the finding

All polling places had experienced poll workers working on Election Day. Our records show that each location had a mix of veteran poll workers with multiple years of experience as well as a few new poll workers. Our records do not show any polling places staffed with all new poll workers, there was always at least one poll worker with prior experience.

Election Officer training classes are consistent and follow the same curriculum. For the November 2015 Election we had 2 trainers teach a total of 24 training classes. Both trainers followed the same program and had experience with election officer training in past elections.

The California Elections Code does not require that poll workers arrange equipment during election officer training. In fact, some counties provide online election officer training where there is no hands-on training provided. The Election Officer Handbook extensively covers the arrangement of equipment on pages 17 thru 20. In addition, instructions on paper ballot voting booth assembly and accessible voting unit assembly are covered at length in the Election Officer Handbook and Election Officer Training DVD.

In the future more attention will be given to the Election Officer Comment Sheet and the training program will put more emphasis on the importance of the document.

RECOMMENDATION No. 2:

The ROV to assign poll workers of mixed experience to achieve a knowledgeable and organized operation.

The ROV to add specific training on the use of comment sheets and how they are used to improve polling operations. The comment sheets are required to be accurate and detailed throughout the Election Day.

The ROV training program must comply with the State of California elections training requirements for hands-on training to include configuring of polling equipment.

RESPONSE: Respondent partially agrees with the recommendation.

The ROV already assigns poll workers of mixed experience to all polling place locations. A poll worker is usually only promoted to Inspector after serving in at least one election.

In the future more attention will be given to the Election Officer Comment Sheet during the training program.

The ROV training program complies with the State of California elections training requirements. Election Officers attend a 2 hour training that includes hands-on activities, receive a 145 page Election Officer Handbook, and a 1 hour training DVD. Additionally, poll workers are encouraged to contact the ROV to discuss questions, concerns or issues that arise throughout the training process.

FINDING No. 3:

Accessibility Kit

Three polling places were not arranged according to the Accessibility Kit photographs taken by the ROV survey or assessment teams. They did not accurately photograph the polling locations, such as the entrance to the polling place.

RESPONSE: Respondent agrees with the finding.

The ROV agrees that some Accessibility Kits did not contain accurate photographs for the particular building used as the polling place. In the future more attention will be given to the accuracy of the Accessibility Kits and in particular the photographs of the specific location.

RECOMMENDATION No. 3:

The owners of the properties that the ROV has selected as polling places adhere to the contract with the ROV, by providing access to the building that was agreed upon and permitting the poll workers to arrange the site the night before the election. The ROV to provide quality control ensuring the site is arranged properly. They will organize the site to agree with the photographs the ROV has provided.

The ROV survey or assessment team first verifies addresses of each polling location. This will be done before the team coordinates with representative(s) of the polling location to confirm how the site will be used.

RESPONSE: Respondent partially agrees with the recommendation.

The ROV prefers to have access to the polling place the night before the election for polling place set up. Setting up the polling place the night before the election helps identify any issues prior to Election Day. Occasionally, the polling place location is not available for set up the night before the Election. In those circumstances, the poll workers are instructed to arrive extra early to their polling place on Election morning to ensure that the polling place is operational by 7:00am.

During the June 2016 Election, the ROV voluntarily assigned an Accessibility Officer at each polling place whose primary job duty was to make sure that the polling place is arranged properly for accessibility purposes and to follow the instructions for set up in the Accessibility Kit.

The Polling Place Availability Request Agreement form is used to verify the address of each polling place and the specific details for how the site will be used.

FINDING No. 4:

Security Seals

At two polling locations, a blue ballot box had one of two red plastic security seals broken and was not locked. At another location, Team members observed a poll worker get a new red plastic seal and replace the broken one. This issue was not reported to ROV officials nor was it documented on the Election Officer's Comment Sheet.

RESPONSE: Respondent partially disagrees with the finding.

California Elections Code does not require that the ballot box be locked. The ROV requires that the ballot box be sealed. When the ballot box is sealed by at least one intact seal it is not reported because the ballots cannot be tampered with if the ballot box is sealed shut.

RECOMMENDATION No. 4:

The ROV Section No. C-23 requires that if a seal is broken on a ballot box, immediate measures must be taken. It reads as follows:

Any individual who is authorized by the Registrar of voters (ROV) and assigned to transport, deliver, store, setup, open & close the polls, or collect voting material and voting equipment before, during, or after an election must take an Oath of Allegiance and be required to report immediately to the ROV when there is any evidence, or suspicion of tampering with the paper ballots or voting equipment.

The ROV to add specific training on the use of comment sheets and how they are used to improve polling operations. The comment sheets are required to be accurate and detailed throughout the Election Day.

RESPONSE: Respondent partially disagrees with the recommendation.

The ballot box cannot be opened without breaking both seals. It would be impossible to tamper with the paper ballots if one seal is still intact. In the future more attention will be given to the Election Officer Comment Sheet.

FINDING No. 5:

Accessible Voting Unit

To comply with the disability access requirements of the help America Vote Act, precincts have an Accessible Voting Unit (AVU) to provide audio voting for voters who may have visual problems, low literacy proficiency, and other reasons.

All precincts have an AVU that has an audio only add-on control box and head phones for visually impaired voters. The precincts observed by the Team did not have the AVU system ready for voters' use. At one polling location the audio control box and head phones were still in the storage location: there was no signage display available for the visually impaired.

The Team observed the activation button being pushed by the precinct inspector and the range inspector to troubleshoot the audio control box that was not functioning; the AVU Election Officer's Yellow Activation Button User Log was not completed.

RESPONSE: Respondent partially disagrees with finding.

The AVU system is not automatically ready for an audio ballot. The voters card has to be specifically programmed to bring up an audio ballot. The poll worker is trained to make sure that the audio control box and headphones are plugged into the AVU and that the green power supply light on the audio control box is illuminated. The voter is handed the audio control box and headphones and when their specially programmed voter card is inserted it will place the AVU in audio mode.

All polling places are provided with a blue accessible sign to attach to the AVU when it is not in use. In addition, all polling places are provided with an "Accessible Voting Unit Available Upon Request" sign. All election officers are instructed to post both signs.

Page 100 of the Election Officer Handbook instructs all Election Officers to complete the Yellow Activation Button User Log after the yellow activation button is pressed for any reason.

RECOMMENDATION No. 5:

The ROV to have specific postings on the use of the AVU and audio voting capabilities. This posting to be separate and specific from other postings. The ROV provide quality control training so the site is arranged properly. The ROV must demonstrate how the equipment is arranged during training as required by the State of California Polling Place Accessibility Guidelines.

RESPONSE: Respondent partially agrees with the recommendation.

The ROV already provides 2 signs for the Accessible Voting Unit. In the future more emphasis will be placed on the audio voting capabilities.

Since the June 2016 Election, the ROV has implemented an Accessibility Officer at each polling place to ensure that each site is arranged properly and in accordance with the Accessibility Kit. The Accessibility Officer and Inspector are trained on the functionality of the audio ballot as well as the arrangement of the polling place.